

Appl. No. 09/880,388
Amdt. Dated August 5, 2003
Reply to Office Action of April 9, 2003

• • R E M A R K S / A R G U M E N T S • •

The present Preliminary Amendment is being submitted together with a Request for Continued Examination (RCE).

By the present Preliminary Amendment independent claim 1 has been changed to recite a "strip of male mechanical fasteners members" in order to provide basis for the additional recitation that there is a greater number of the fine fusion spots per unit area in outer side regions of the wings that extend inward from the male mechanical fastener strips over a transverse distance that is at least equal to widths of the male mechanical fastener strips than in inner regions of the wings that extend inward from the outer side regions.

Support for the changes to independent claim 1 can readily be found in the drawings, particularly Fig. 3.

In addition, support for the changes to independent claim 1 can be found in the description as to how the male members 22 are peelably engaged with respective fastener holding zones 41 as the fastener sections 21 are folded back onto the inner surface of the diaper. (See last part of paragraph bridging pages 6 and 7).

As the Examiner can appreciate and as one skilled in the art would understand, the holding zones 41 which have the higher density of fine fusion spots would have to have widths that are at least equal to the widths of the male mechanical fastener strips in order to engage the male

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mechanical fasteners when the male mechanical fastener sections are folded back onto the inner surface of the diaper for engagement therewith.

Entry of the changes to independent claim 1 is respectfully requested.

In the Final Office Action mailed April 9, 2003 the Examiner rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,957,908 to Kline et al.

The Examiner relied upon Kline et al. as disclosing:

...a disposable diaper (20), a topsheet (24), backsheet (26), core (28), front waist region (46), rear waist region (44), crotch region (48), wings (62, 64) from on the rear portion and extending outward (See Figures 1-7). Kline discloses mechanical fasteners (30) located on inner surfaces of the wings (See Figure 7). Kline also discloses the wings being made of thermoplastic fibers (column 15, lines 29-67) and having fine fusions spots (250), where there is a greater density of fusion spots on the outward region, than in the inward region (See Figure 7). Kline discloses the wings being made of a laminate of two layers, where the layers are bonded at spots 250, using methods such as heat, pressure or ultrasound (column 16, lines 28-30).

The pattern of bond sites 250 used by Kline provide "high bond zones."

At column 16, lines 34-47 Kline et al. teaches:

Preferably, the differential bonding creates high bond zones 252 near or at the distal and proximal edges 66 and 68 of the ear panels to prevent creep and provide strength in those zones. (As used herein, the term "high bond zones" refers to those areas of the laminate comprising a relatively high frequency of individual bonds, a relatively greater bonded area or bonds that are relatively stronger than bonds in other areas of the laminate.) The high bond zones, including distal high bond zone 253 and proximal high bond zone 251 (as shown in FIG. 7), may be completely bonded or may comprise a relatively high frequency of bonds or large area of bonding. The high bond zones resist creeping and provide a stronger foundation for any fastening elements that may be joined thereto. (Underlying added)

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As can be seen, Kline teaches that the high bonding zones are configured to provide a stronger foundation for the fastening elements 30 and otherwise the high bonding zones are located at or near the distal or proximal edges of the ear panels. This structure is clearly shown in Fig. 7.

Kline does not teach that the high bonding zones extend inwardly from the fastening elements over a distance that is at least equal to the width of the fastening elements.

Kline accordingly does not anticipate applicants' claim 1 as preliminarily amended herein.

Kline moreover does not provide any motivation to have the high bonding zones extend inwardly from the fastening elements over a distance that is at least equal to the width of the fastening elements.

Accordingly, Kline, alone or in combination with any other reference, does not render obvious applicants' claim 1 as preliminarily amended herein.

Kline relies upon the high bonding zones to provide a reinforced foundation for the fastening elements and to strengthen the distal or proximal edges of the ear panels.

In contrast to Kline et al., applicants' invention provides fine fusion spots on the inner surfaces of the wings in order to secure the male mechanical fastening members in peelable engagement with the upper surface of the wings.

As discussed in the paragraph bridging pages 6 and 7 of applicants' specification:

These male members 22 are peelably engaged with respective fastener holding zones (out side regions) 41 as the fastener sections 21 are folded back onto the inner surface of the diaper (See Fig. 1).

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The fine fusion spots secure portions of the fibers which form the wings and thereby provide engageable structure which cooperates with the male members 22.

Kline et al. either teaches applicants' claimed fine fusion spots not the function provided thereby.

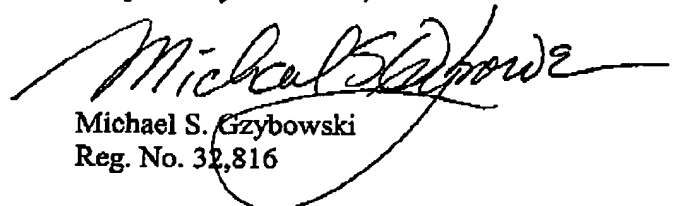
Accordingly, it is submitted that applicants' invention defines over Kline et al. both structurally and functionally.

Entry of the present Preliminary Amendment and an early examination of the application are respectfully requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110